

### **In the Drawings**

The attached drawing sheet includes changes to Figure 3. This sheet replaces the original sheet for Figures 1, 2 and 3.

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## **REMARKS**

### **Amendments**

#### ***Revisions to the Specification and Drawings***

The Examiner requested correction of certain errors in the specification and drawings. In response, Applicant has amended the specification and drawings accordingly. No new matter has been added. The amendments are supported in the drawings or elsewhere in the specification at pages 4-5 and 11 and Figure 3.

#### ***Amendments to the Claims***

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, the invention as claimed identifies a set of user profiles having a common interest. Furthermore, each user associated with the set of user profiles is notified when a user updates a second interest that is not common to the user profile set. No new matter has been added as a result of these amendments.

### **Objections**

#### ***Objections to the Drawings under 37 C.F.R. § 1.84(p)(4)***

The Examiner objected to the drawings because the drawings have duplicate reference characters for distinct entities. Applicant has corrected the reference characters and respectfully requests the withdrawal of the objection.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 103***

#### **Claims 1-3, 6-8, 11-13, 16-19, 22-24 and 27**

Claims 1-3, 6-8, 11-13, 16-19, 22-24 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over Ward, U.S. Patent No. 6,756,997 in view of Robertson, U.S. Patent No. 6,269,369. Ward only qualifies as prior art under 35 U.S.C. § 102(e) because it issued after Applicant's filing date. Applicant does not admit that Ward is prior art and reserves the right to swear behind the reference at a later date.

Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 1-3, 6-8, 11-13, 16-19, 22-24 and 27.

Ward discloses customizing a user's electronic program guide (EPG) by creating and utilizing a user profile. The profile contains the user's preferences such as favorite channels, favorite types of programs and times the user is most likely to watch television. The user's profile is compared to other user profiles to determine whether the user likely to be interested in particular subject, product, theme, movie, etc.

Robertson discloses creating and managing personal contact information in relational database on a networked server. The personal contact manager system additionally groups multiple users into an affinity group, where each affinity group member accesses to the same contact information. The system further allows changes made to the personal contact information by one user in the affinity group available to the other affinity group member. In addition, updates to common personal contact information causes notifications to each affinity group member.

Applicant respectfully submits that the combination of Ward and Robertson does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed.

With respect to claims 1, 7, 12, 17 and 23, Applicant claims notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set. In contrast, Ward merely discloses comparing user profiles to determine if a particular user would be interested in a subject. Although, Robertson discloses notifying affinity group members when information common to the affinity group changes (e.g. a group member's address changes), Robertson does not teach or suggest notifying affinity group members when information that is not common to the group changes. Thus, neither Ward nor Robertson can be properly interpreted as disclosing notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set as claimed. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 1, 7, 12, 17 and 23 and claims 2, 3, 6, 8, 11, 13, 16, 18, 19, 22, 24 and 27 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**Claims 4, 9, 14, 20 and 25**

Claims 4, 9, 14, 20 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious over Ward in view of Robertson and Reilly, U.S. Patent No. 6,427,164. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 4, 9, 14, 20 and 25.

Reilly discloses an information and advertising distribution system with workstations remotely located from the information server. The workstations include a profiler for storing subscriber profile data. The subscriber profile data represents subscriber information viewing preference, indicating information categories for which a subscriber associated with the workstation does and does not want to view information items.

Applicant respectfully submits that the combination does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 4, 9, 14, 20 and 25. Claims 4, 9, 14, 20 and 25 depend from independent claims 1, 7, 12, 17 and 23, respectively. In claims 1, 7, 12, 17 and 23, Applicant claims notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set. Because Ward and Robertson do not teach or suggest each and every limitation of claims 1, 7, 12, 17 and 23, Reilly must disclose at least the missing element from claims 1, 7, 12, 17 and 23 in order to have a proper *prima facie* case for claims 4, 9, 14, 20 and 25.

However, because Reilly does not disclose a user profile set, Reilly does not teach or suggest notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set as claimed. As none of Ward, Robertson or Reilly teach or suggest the claimed element, the combination cannot be interpreted as disclosing claims 1, 7, 12, 17 and 23 and claims 4, 9, 14, 20 and 25 that depend on them. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 4, 9, 14, 20 and 25, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**Claims 5, 10, 21 and 26**

Claims 5, 10, 21 and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Ward in view of Robertson and Pollack, U.S. Patent No. 6,578,025. Applicant does not admit that Pollack is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 5, 10, 21 and 26.

Pollack discloses providing information to a multiple users based on the relevancy of the information. A system scores the message based on each user's profile and the relevance of the message information. The score indicates how relevant the message is for each user. If the score is above a user's relevancy threshold, then the message is forwarded to that user.

Applicant respectfully submits that the combination does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 5, 10, 21 and 26. Claims 5, 10, 21 and 26 depend from independent claims 1, 7, 17 and 23, respectively. In claims 1, 7, 17 and 23, Applicant claims notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set. Because Ward and Robertson do not teach or suggest each and every limitation of claims 1, 7, 17 and 23, Pollack must disclose at least the missing element from claims 1, 7, 17 and 23 in order to have a proper *prima facie* case for claims 5, 10, 21 and 26.

However, because Pollack does not disclose a user profile set, Pollack does not teach or suggest notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set as claimed. As none of Ward, Robertson or Pollack teach or suggest the claimed element, the combination cannot be interpreted as disclosing claims 1, 7, 17 and 23 and claims 5, 10, 21 and 26 that depend on them. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 5, 10, 21 and 26, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**Claim 15**

Claim 15 was rejected under 35 U.S.C. § 103(a) as being obvious over Ward in view of Robertson and Robertson, U.S. Patent No. 6,609,106 ("Robertson106"). Applicant does not admit that Robertson106 is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claim 15.

Robertson106 discloses creating and maintaining a multi-user online gift registry service. Gift registrants designate the gifts they want to receive and allow potential gift giving users access to the gift registrant's list of gifts. Gift registrants maintain a profile containing personal contact information and user preferences.

Applicant respectfully submits that the combination does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claim 15. Claim 15 depends from independent claim 12. In claim 12, Applicant claims notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set. Because Ward and Robertson do not teach or suggest each and every limitation of claim 12, Robertson106 must disclose at least the missing element from claim 12 in order to have a proper *prima facie* case for claim 15.

However, because Robertson106 does not disclose a user profile set, Robertson106 does not teach or suggest notifying each user associated with a user profile set when a user updates an interest uncommon to the user profile set as claimed. As none of Ward, Robertson or Robertson106 teach or suggest the claimed element, the combination cannot be interpreted as disclosing claim 12 and claim 15 that depends on it. Therefore, the combination cannot render obvious Applicant's invention as claimed in claim 15, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

**New Claims**

New claims 28 and 29 have been added to further characterize the second interest claim element that is not common to the user profile set. Applicant respectfully submits claims 28 and 29 are allowable for at least the reasons set forth above for claim 1.

### SUMMARY

Claims 1-29 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 ex. 258.

### Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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& ZAFMAN LLP

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